

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

William Toppen

SUMMONS IN A CIVIL ACTION

V.

Merck & Co., Inc.

CASE NUMBER:

07 CV 7902

TO: (Name and address of Defendant)

Merck & Co., Inc.  
C/O CT Corporation System  
111 Eighth Avenue  
New York, New York 10011

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

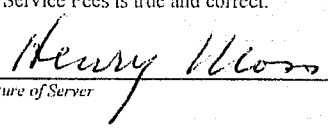
CLERK

DATE

(By) DEPUTY CLERK

SEP 07 2007

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE September 19, 2007 at 3:00 PM	
NAME OF SERVER (PRINT) Henry Moss	TITLE Licensed Process Server      Lic. No. 0870001	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): Personal service on Aixa Flores, Process Specialist representing CT Corp. System, The Registered Agent of Merck & Co., Inc., Service was executed at 111 8th Avenue, New York New York.		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 40%;"> <p>Executed on <u>Sept. 19, 2007</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 55%; text-align: center;">   <p style="text-align: center; font-size: small;">Signature of Server</p> </div> </div> <div style="text-align: center; margin-top: 20px;"> <p><u>102 East 22nd Street, New York, NY 10010</u></p> <p style="text-align: center; font-size: small;">Address of Server</p> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.